

07/05/01  
1c928 U.S. PTO

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PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 030727.0037.CIP1  
First Inventor van Poelje  
Title A Combination of FB Pase Inhibitors and Antidiabetic Agents for the Treatment of Diabetes

(Only for new nonprovisional applications under 37 CFR 1.53(b)) Express Mail Label No. EL 675945544US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification  
(preferred arrangement set forth below) [Total Pages 389]
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
- Oath or Declaration [Total Pages 4]
  - ☒ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 60216.531/  
Prior application information: Examiner Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 23865 (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name Richard H. Pagliery  
Address Brobeck, Phleger & Harrison LLP  
12390 El Camino Real  
City San Diego State CA Zip Code 92130-2081  
Country USA Telephone 858/720-2500 Fax 858/720-2555

Name (Print/Type) Richard H. Pagliery Registration No. (Attorney/Agent) 44,276  
Signature [Signature] Date July 5, 2001

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$3756.00)

## Complete if Known

Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	van Poelje
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	030727.0037.CIP1

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated

Deposit Account Number 50-1273

Deposit Account Name Brobeck, Phleger & Harrison LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$710.00)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
152	-20** = 132	X 18.00	= 2376.00
7	-3** = 4	X 80.00	= 320.00
Multiple Dependent		270.00	270.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$2966.00)

\*\*or number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	80.00
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$80.00)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Richard H. Pagliery	Registration No. (Attorney/Agent)	44,276	Telephone	(858) 720-2500
Signature	<i>Richard H. Pagliery</i>	Date	July 5, 2001		

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NEW UTILITY APPLICATION

UNDER 37 CFR § 1.53(b)

TITLE: A COMBINATION OF FBPASE INHIBITORS AND  
ANTIDIABETIC AGENTS FOR THE TREATMENT  
OF DIABETES

APPLICANT(S): Paul D. van Poelje; Mark D. Erion; Toshihiko  
Fujiwara

CORRESPONDENCE ENCLOSED:

Utility Patent Application Transmittal (1 pg); Fee  
Transmittal (1pg); Specification and claims ( 389 pgs);  
Abstract (1pg); Grant of Power of Attorney from Sankyo (2  
pgs); Grant of Power of Attorney from Metabasis (2 pgs);  
Assignment from Fujiwara to Sankyo & Recordation Form  
Cover Sheet (4 pgs); Assignment from van Poelje & Erion  
to Metabasis & Recordation Form Cover Sheet (5 pgs);  
Declaration of Inventorship (2 documents/4 pgs); check in  
the amount of \$3,000.00

"EXPRESS MAIL" Mailing Label Number **EL 675945544 US** Date of Deposit July 5, 2001 I  
hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United  
States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the  
date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Dulcie Donoso-Fontt  
Dulcie Donoso-Fontt